

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TOTAL RX CARE, LLC,

Plaintiff,

v.

**GREAT NORTHERN INSURANCE
COMPANY,**

Defendant.

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CIVIL ACTION NO. 3:16-cv-02965-B

RESPONSE TO ANDREWS KURTH’S “NOTICE OF INTIAL OPPOSITION”

Robert M. Hoffman files this Response to the “Notice of Opposition” filed by John Shely of Andrews Kurth Kenyon LLP (“**Andrews Kurth**”).

1. Defendant Great North Insurance Company is a member company of the Chubb Group of Insurance Companies (“**Chubb**”). Chubb is a current and longstanding client of DLA Piper LLP (US) (“**DLA Piper**”).

2. As of February 2018, Mr. Hoffman is a partner with DLA Piper, and is no longer affiliated with Andrews Kurth.

3. Attorneys for Chubb cannot simultaneously represent that company and represent a party with pending claims against Chubb in this litigation. Therefore, it is imperative that Mr. Hoffman be allowed to withdraw as counsel of record for Plaintiff Total RX Care, LLC (“**Total RX**”). Further, Total RX does not wish to be represented by counsel for Chubb (i.e., DLA Piper), and is in agreement with the withdrawal.

4. Opposing counsel has also agreed that Mr. Hoffman may withdraw as counsel of record in this case. The withdrawal will not leave Total RX without representation; instead, Andrews Kurth will remain as counsel of record.

5. Andrews Kurth has entered into an engagement agreement with Total RX, which is a legally binding contract. Under the engagement agreement, Andrews Kurth agreed to represent Total RX in this litigation. Andrews Kurth has accepted the benefits of its representation of Total RX under the engagement agreement. Further, Total RX has fully performed its duties and obligations under that contract.

6. Neither Mr. Hoffman nor any other natural person is a party to Total RX's engagement agreement with Andrews Kurth. Further, neither Mr. Hoffman nor any other natural person has any individual rights or duties under same.

7. Andrews Kurth is not a party to this litigation, and Mr. Shely is not counsel of record for any party. Respectfully, both Andrews Kurth and Mr. Shely lack standing to appear and file an opposition to the Motion to Withdraw.

Dated: February 19, 2018.

Respectfully submitted,

By: /s/ Robert M. Hoffman

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**ATTORNEY FOR HIMSELF AS COUNSEL
SEEKING THE COURTS PERMISSION TO
WITHDRAW**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on February 19, 2018, a copy of this Motion was served on all counsel of record in this case via the Court's CM/ECF facilities.

/s/ Robert M. Hoffman

Robert M. Hoffman